

REMARKS

Reconsideration of the rejection of claims 4-6 under 35 USC 102 as being anticipated by Birkenmaier is respectfully requested. Claim 4 recites a spray gun having, among other structure, a ring-shaped nozzle having nozzle holes arranged at a fixed pitch in the circumferential direction of the ring-shaped nozzle, wherein the nozzle holes receive air from the air ventilation path and guide the air to rotate around the center of the ring-shaped nozzle. It was previously recited in claim 4 that the nozzle holes arranged at a fixed pitch toward the circumferential direction of the ring-shaped nozzle.

The nozzle holes guide the air to rotate around the center of the ring-shaped nozzle. The rotation of the air constitutes a swirling flow that does a better job of, as is described in lines 6-9 on page 2 of the original specification, “preventing the useless dispersion of paint due to wind and the pollution caused by the dispersion”. The air will not rotate around the center of the ring-shaped nozzle if the nozzle holes are not inclined in the circumferential direction of the ring-shaped nozzle.

In order to more clearly recite the structure of the nozzle holes, by the present Amendment, claim 4 has been amended to recite that each of the nozzle holes has a central axis that is rotated around a line extending radially from the central axis of the ring-shaped nozzle and is inclined relative to the central axis of the ring-shaped nozzle in the circumferential direction of the ring-shaped nozzle at a fixed pitch. This can be appreciated from Fig. 4 and the description at lines 14-17 on page 5 of the original specification. There it is described that a central line b1 of the nozzle hole 25a is somewhat rotated and inclined around the radial line b2. A central line b1 of the nozzle hole 25a that is somewhat rotated around a radial line b2 forms an angle with respect

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to the central line 'c' of the nozzle hole member 25 and issues a flow that swirls around the central line 'c'.

Birkenmaier does not disclose nozzle holes each having a central axis that is rotated around a line extending radially from the central axis of the ring-shaped nozzle. The two passages 49 form an angle with respect to a line extending radially from the central axis of the nozzle, but are not rotated around a line extending radially from the central axis of the ring-shaped nozzle or inclined relative to the central axis of the ring-shaped nozzle in the circumferential direction of the ring-shaped nozzle. As a result, the two passages 49 do not cause a swirl around the central axis of the nozzle. Instead, the pattern caused by the passages 49 is a flattened elliptical pattern, as is shown in Fig. 8 of Birkenmaier.

Furthermore, claim 4 has been amended to recite a ring-shaped nozzle having more than two nozzle holes. These nozzle holes 25a can be seen in Fig. 1. Even if the passages 49 of Birkenmaier are considered to be the nozzle holes of claim 4, there are only two passages 49, as was described above. In addition to Fig. 8 (in comparison to Fig. 6), reference is made to page 3 of Birkenmaier, lines 12-40.

Moreover, claim 4 has been amended to recite that the more than two nozzle holes terminate at an outer surface of the nozzle. This can be seen in all of the drawing figures, in which the holes 25a open directly to the atmosphere. In contrast, the passages 49 of Birkenmaier terminate internally in the nozzle, in a bore 45, in a space between the nozzle casing 29 and the stem 53.

In view of the foregoing, it is submitted that claims 4-6 are allowable over Birkenmaier.

In addition, in rejecting claim 6, the Examiner contends that the Birkenmaier reference

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discloses that the air intake is positioned rearward of the prehensile part. The Examiner's focus on the meaning of "rearward" does not deal with the fact that "rearward" is not used by itself in claim 6, but is used with "of". Something that is "rearward of" something else is not located in the something else. The nipple 15 of Birkenmaier is not located "rearward of" the grip 11.

In view of the foregoing, it is submitted that all of the claims are allowable and that the application is in condition for allowance. An early notice to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0562.

Respectfully submitted,

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